

New Australian “terrorism” laws to target 14-year-olds

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Prime Minister Malcolm Turnbull’s government has seized on the tragic October 2 shooting in western Sydney of a police staff member by a 15-year-old boy to bring forward planned laws that will include imposing control orders on children as young as 14.

No evidence has been produced that the teenager, Farhad Jabar, shot and killed police accountant Curtis Cheng as an act of terrorism. Jabar himself was quickly gunned down by police and killed. No group, including Islamic State of Iraq and Syria (ISIS), has claimed responsibility for his action.

Nevertheless, the Liberal-National Coalition government has quickly exploited claims that Jabar was a “lone wolf,” recruited by ISIS, to announce the fifth tranche of “counter-terrorism” legislation in just a year. Once again, a contrived and hysterical government and media campaign is being used to introduce previously undreamt-of measures that abrogate fundamental legal and democratic rights.

No details have yet been provided, but Turnbull and Attorney-General George Brandis have stated that this latest package will also feature “incitement of genocide” offences; up to 28 days of detention without charge; greater electronic tracking of individuals on control orders, and use of secret evidence to detain individuals.

Since the 9/11 attacks in the United States in 2001, Australian governments, Coalition and Labor alike, have imposed more terrorism laws than in any other country in the world. The latest instalment will take the total number to more than 60, including at least six types of detention without charge or trial.

Significantly, Turnbull, who has been promoted in the media as a more “progressive” leader than his predecessor Tony Abbott, was joined by another so-called moderate, New South Wales Premier Mike Baird, in outlining the latest measures, which will involve additions and amendments to both federal and state laws.

The Turnbull-Baird package will go further than any legislation introduced by Abbott, who had become notorious for resorting to repeated terrorism scare campaigns in order to justify handing further powers to the police and

intelligence apparatuses. Above all, it will create powers to criminalise ever-younger people—starting with teenage Muslims—on the basis of unproven suspicions by police and spy agencies.

In a bid to defend lowering the age for control orders from 16 to 14, Turnbull and Attorney-General Brandis relied directly on the October 2 shooting outside the NSW police headquarters in Parramatta. Brandis said he was “comfortable” with reducing the age to 14, because the shooting was “a horrendous terrorist act” which demonstrated that “the reach of ISIL and ISIL surrogates and agents in Australia is extending to younger and younger people.”

These laws, however, were being prepared long before the shooting in Parramatta. Turnbull admitted that the legislation had been “in the works” between the federal and state governments for “some considerable time.”

Control orders, which may last for a year at a time, amount to detention without trial. They can range from full house arrest to many other restrictions, such as curfews, bans on accessing phones and social media, prohibitions on travel, and being required to wear a tracking device.

The orders can be imposed simply because a police officer “suspects on reasonable grounds that the order ... would substantially assist in preventing a terrorist act.” Under the proposed legislation, a person subjected to a control order will be prevented from knowing any “sensitive information” cited to justify the order, making it almost impossible to challenge.

Also proposed are longer periods of imprisonment without charge for terrorism “suspects.” Premier Baird wrote to the Turnbull government asking for detention for up to 28 days, with police able to question detainees throughout that period.

Existing “investigation” laws allow the Australian Federal Police (AFP) to question detainees for at least a week without charge. State provisions already permit preventative detention orders for up to 14 days if police consider a terrorist attack is “imminent,” but police interrogation is formally barred under those orders.

Brandis said state governments could introduce 28-day detention, even though it would be unconstitutional for the federal government to do so. The Australian Constitution has no bill of rights, but courts have ruled in the past that lengthy detention would violate the constitutional separation of powers, which reserves to judges the power to impose imprisonment.

On Monday, hours before the new laws were announced, the AFP obtained a court order to keep Raban Alou, an 18-year-old arrested in police raids in Sydney last week, in custody for interrogation for another 68 hours. This extension followed a similar move last Thursday to question the teenager for 100 hours. It further indicates the lack of any evidence linking Alou or three other young men arrested in the wake of the October 2 shooting to a supposed terrorist plot involving 15-year-old Jabar.

Alou will now be held without charge for a full week, the maximum allowed under current federal “investigation” laws. Through his lawyer, Hisham Karnib, the teenager opposed the 68-hour order, but Karnib told reporters that he was barred on “national security” grounds from seeing the documents that the AFP used to make its application to the court.

Other types of imprisonment without trial introduced in Australia since 2001 include secret questioning and/or detention by the Australian Security Intelligence Organisation (ASIO), which can be extended for up to a week at a time, and secret “coercive powers” interrogation by the Australian Crime Commission. All these forms of detention overturn hard-won and longstanding legal and democratic rights, including the presumption of innocence and habeas corpus (no incarceration without trial).

Turnbull’s government outlined the “fifth tranche” of the terror laws on the same day that the “fourth tranche” came into operation—unprecedented measures forcing Internet and phone companies to store all “metadata” for two years, effectively permitting comprehensive electronic surveillance of the entire population.

These measures contain criminal offences and powers that go far beyond the immediate targeting of highly vulnerable Islamic youth, supposedly linked to Islamist extremists in the Middle East. The “security” powers are being prepared for wider use throughout the working class as economic conditions worsen and Australia’s involvement in US-led wars intensifies in the Middle East and the South China Sea.

The government’s first three tranches expanded the surveillance and computer hacking powers of ASIO, the domestic political spy agency; introduced life sentences for supporting “subversive” activities in any other country; and outlawed “advocating” terrorism, even if no act of terrorism occurs and those charged are merely “reckless” as to

whether any terrorism would occur.

There is already growing public opposition to the new laws. NSW Council for Civil Liberties president Stephen Blanks said they were “undoubtedly going to be in breach of human rights standards,” and condemned as “obviously unacceptable,” the “idea of detaining 14-year-old children for questioning without charge, and secretly for long periods of time.”

Provocatively, Sydney Muslim community leaders were not told about the latest measures when they met for “consultations” with Baird on Monday. Silma Ihram, from the Muslim Women’s Association said the laws would “feed straight into the narrative” of ISIS and “make things worse, unfortunately.”

In fact, all the “anti-terrorism” laws that have been legislated in the wake of 9/11 are designed to fuel among young marginalized Muslims resentments and grievances, that are then exploited to whip up public fears over terrorism, in order to create the conditions for introducing even more police state measures.

For his “tough” actions, Turnbull is now winning praise from the Murdoch media, which had earlier accused him of being too slow to label the October 2 tragedy as Islamic terrorism. An *Australian* editorial on October 10 commended the prime minister for abandoning his initial suggestion that “the public should not ‘blame or vilify’ the entire Muslim population for the Parramatta attack.”

Labor opposition leader Bill Shorten has quickly indicated that his party would give the new laws bipartisan support, as it has for each of the previous four tranches. He told a media conference that “whilst on one hand it sounds draconian to have control orders on 14-year-olds, I also get that the police are trying to work through the issues,” and “Labor’s willing to work with the government on their proposals.”

Speaking for the Greens, Senator Nick McKim said only that the government had failed to make a case for the measures. “We’re very disappointed that our hard won civil liberties are being eroded with no evidence at all,” he declared. The Greens have a long record of voting for key provisions in the terrorism legislation, while often moving token amendments to try to camouflage their anti-democratic character.



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